



The State of New Hampshire
Department of Environmental Services

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Robert R. Scott, Commissioner

June 3, 2019

His Excellency, Governor Christopher T. Sununu
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Approve James and Susan Scarborough Living Trust's request to perform the following work on Lake Winnepesaukee in Wolfeboro. File # 2018-03583. This project will not have significant impact on or adversely affect the values of Lake Winnepesaukee.

Modify an existing crib supported docking system consisting of an 8.9 foot x 46.0 foot, a 9.6 foot x 38.6 foot and a 5.10 x 21.3 dock finger connected by an irregular shaped walkway along the shore and reconfigure to final dock dimensions consisting of 9.6 foot x 35.6 foot, 6 foot x 30 foot, and 6 foot x 34 foot piers connected by an irregular shaped walkway; install 4 piles for a boatlift and dredge no more than 6 cubic yards of lakebed over an area no greater than 180 square feet to provide safe access to an existing 19 foot x 33 foot dug-in boathouse on an average of 319 linear feet of frontage along Lake Winnepesaukee on Springfield Point in Wolfeboro.

The New Hampshire Department of Environmental Services (NHDES) imposed the following conditions as part of this approval:

1. All work shall be in accordance with revised plans by Watermark Marine Construction revision dated March 29, 2019 and as received by the NH Department of Environmental Services ("the department") on April 2, 2019.
2. This permit is not valid and effective until it has been recorded with the appropriate county Registry of Deeds by the applicant. Prior to starting work under this permit, the permittee shall submit a copy of the recorded permit to the department Wetlands Bureau by certified mail, return receipt requested.
3. All development activities associated with this project shall be conducted in compliance with applicable requirements of RSA 483-B and N.H. Code of Administrative Rules Env-Wq 1400 during and after construction.
4. Work shall be carried out in a time and manner to avoid disturbances to migratory waterfowl breeding and nesting areas.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Temporary controls shall be removed once the area has been stabilized.
7. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
8. Any subdivision of the property frontage will require removal of a sufficient portion of the docking structures to comply with the dock size and density requirements in effect at the time of the subdivision.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

9. Only those structures shown on the approved plans shall be installed or constructed along this frontage. All portions of the structures shall be at least 20 feet from the abutting property lines or the imaginary extension of those lines into the water.
10. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. No person undertaking any activity shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards in RSA 485-A and Env-Wq 1700.
13. This permit shall not preclude the department from initiating appropriate action if the department later determines that any of the structures depicted as "existing" on the plans submitted by or on behalf of the permitted were not previously permitted or grandfathered.
14. No work is authorized to the existing boathouse.

EXPLANATION

The NHDES approved this project on April 29, 2019. The NHDES supported its decision with the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), modification of a docking systems that provided 5 boat slips.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant has an average of 318 feet of shoreline frontage along Lake Winnepesaukee.
5. The proposed docking facility will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. The existing 8.9 foot x 46.0 foot, 9.6 foot x 38.6 foot and 5.10 x 21.3 piers connected by an irregular shaped walkway fails to conform to the 6 foot maximum width of structure allowed pursuant to Rule Env-Wt 402.03, Dimensions, and the standards for construction of a permanent dock as established in Rule Env-Wt 402.06, Permanent Docks, and therefore, is subject to Rule Env-Wt 402.21, Modification of Existing Structures.
7. The applicant has requested a waiver of Rule Env-Wt 402.21 to modify the existing 8.9 foot x 46.0 foot, 9.6 foot x 38.6 foot and 5.10 x 21.3 piers connected by an irregular shaped walkway as provided underpart Rule Env-Wt 204, Waivers.
8. The applicant has proposed an overall reduction in docking surface.
9. The applicant has demonstrated that granting the waiver will have no adverse effect on the environment, natural resources of the state, public health, public safety, nor impacts to abutting properties more significant than that which would result from complying with the rule as required to meet Rule Env-Wt 204.05, Criteria, (a)(1).
10. The applicant has demonstrated that strict compliance with Rule Env-Wt 402.21 will provide no benefit to the public and will provide both an operational and economic impact to the applicant as required to meet Rule Env-Wt 204.05, Criteria, (a)(2).
11. The request for a waiver meet the requirements of Rule Env-Wt 204.05, Criteria, and therefore, the waiver Rule Env-Wt 402.21 is granted.

12. The department finds that because the project is not of significant public interest and will not significantly impair the resources of Lake Winnepesaukee a public hearing under RSA 482-A:8 is not required.

Application file documents are being forwarded to the Governor and the Executive Council in connection with their consideration of this matter pursuant to RSA 482-A:3,II.(a) as it is a major project in public waters of the state.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott
Commissioner



WETLANDS PERMIT APPLICATION

Water Division/ Wetlands Bureau
Land Resources Management



Check the status of your application: www.des.nh.gov/onestop

| | | |
|--|--|--|
| | | |
|--|--|--|

1. REVIEW TIME Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.

- Standard Review (Minimum, Minor or Major Impact) Expedited Review (Minimum Impact only)

2. MITIGATION REQUIREMENT
Mitigation is required. A Mitigation Pre-Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the Determine if Mitigation is Required Frequently Asked Question.

Mitigation Pre-Application Meeting Date: Month: ___ Day: ___ Year: ___

- N/A - Mitigation is not required

3. PROJECT LOCATION

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: 177 Springfield Point Road TOWN/CITY: Wolfeboro
TAX MAP: 259 BLOCK: 023 LOT: 000 UNIT: 000

USGS TOPO MAP WATERBODY NAME: Lake Winnepesaukee NA STREAM WATERSHED SIZE: NA

LOCATION COORDINATES (If known): Easting: 1,109,467.09 Northing: 387,879.34 Latitude/Longitude UTM State Plane

4. PROJECT DESCRIPTION

Provide a brief description of the project, outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. Do not exceed. See Attached in the space provided below.

Reconfigure existing dockage and permanent canopy with a net reduction in construction surface. New dockage to include a piling supported boatlift. Additionally, dredge accumulated sediment from interior and exterior of existing boathouse.

5. SHORELINE FRONTAGE

- N/A This does not have shoreline frontage. SHORELINE FRONTAGE: 318.50ft

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT

Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.

| Permit Type | Permit Required | File Number | Permit Application Status |
|---|---|-------------|--|
| Alteration of Terrain Permit Per RSA 485-A:17 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Individual Sewerage Disposal per RSA 485-A:2 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Subdivision Approval Per RSA 485-A | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |
| Shoreland Permit Per RSA 483-B | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED |

7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB 18- 3313

b. Designated River the project is in 1/4 miles of: _____; and
date a copy of the application was sent to the Local River Management Advisory Committee: Month: ___ Day: ___ Year: ___

N/A

8. APPLICANT INFORMATION (Desired permit holder)

LAST NAME, FIRST NAME, M.I.: Scarborough, James and Susan

TRUST / COMPANY NAME: James and Susan Scarborough Living Trust MAILING ADDRESS: 177 Springfield Point Road

TOWN/CITY: Wolfeboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A, I hereby authorize NHDES to communicate all matters relative to this application electronically

9. PROPERTY OWNER INFORMATION (if different than applicant)

LAST NAME, FIRST NAME, M.I.: Scarborough, James and Susan

TRUST / COMPANY NAME: James and Susan Scarborough Living Trust MAILING ADDRESS: 177 Springfield Point Road

TOWN/CITY: Wolfeboro

STATE: NH

ZIP CODE: 03894

EMAIL or FAX: N/A

PHONE: N/A

ELECTRONIC COMMUNICATION: By initialing here: N/A, I hereby authorize NHDES to communicate all matters relative to this application electronically

10. AUTHORIZED AGENT INFORMATION

LAST NAME, FIRST NAME, M.I.: Irving, Jamie C.

COMPANY NAME: Watermark Marine Construction

MAILING ADDRESS: 1218 Union Avenue

TOWN/CITY: Laconia

STATE: NH

ZIP CODE: 03246

EMAIL or FAX: jci@watermarkmarine.com

PHONE: 603-293-4000

ELECTRONIC COMMUNICATION: By initialing here: JCI, I hereby authorize NHDES to communicate all matters relative to this application electronically

11. PROPERTY OWNER SIGNATURE:

See the Instructions & Required Attachments document for clarification of the below statements

By signing the application, I am certifying that:

1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.
2. I have reviewed and submitted information & attachments outlined in the Instructions and Required Attachment document.
3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.
7. I have submitted a Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 108 compliance.
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.
12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not forward returned mail.


 Property Owner Signature

JAMES R SCARBOROUGH
 SUSAN C SCARBOROUGH
 Print name legibly

10/21/18
 Date

MUNICIPAL SIGNATURES

12. CONSERVATION COMMISSION SIGNATURE

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.

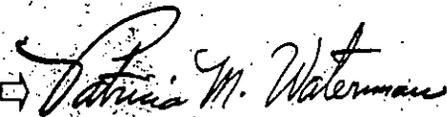
| | | |
|--------------------|------|--|
| | | |
| Print name legibly | Date | |

DIRECTIONS FOR CONSERVATION COMMISSION

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained prior to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will be reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

| | | | |
|---|--|-----------------------|------------------|
|  Town/City Clerk Signature | Patricia M. Waterman Print name legibly | Waterman Town/City | 11-26-18 Date |
|---|--|-----------------------|------------------|

DIRECTIONS FOR TOWN/CITY CLERK:

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

DIRECTIONS FOR APPLICANT:

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

14. IMPACT AREA

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact.

Permanent impacts that will remain after the project is complete.

Temporary impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.

| JURISDICTIONAL AREA | PERMANENT Sq. Ft. / Lin. Ft. | TEMPORARY Sq. Ft. / Lin. Ft. |
|-------------------------------------|---|---------------------------------|
| Forested wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Scrub-shrub wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Emergent wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Wet meadow | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Intermittent stream | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Perennial Stream / River | <input type="checkbox"/> ATF / | <input type="checkbox"/> ATF |
| Lake / Pond | < 180 / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Intermittent stream | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Perennial stream / River | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Bank - Lake / Pond | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Tidal water | / <input type="checkbox"/> ATF | / <input type="checkbox"/> ATF |
| Salt marsh | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Sand dune | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Prime wetland | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Prime wetland buffer | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Undeveloped Tidal Buffer Zone (TBZ) | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Previously-developed upland in TBZ | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Docking - Lake / Pond | 23 (net reduction) <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Docking - River | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Docking - Tidal Water | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| Vernal Pool | <input type="checkbox"/> ATF | <input type="checkbox"/> ATF |
| TOTAL | 203 / | / |

15. APPLICATION FEE: See the Instructions & Required Attachments document for further instruction.

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 180 sq. ft. X \$0.20 = \$ 36.00

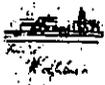
Temporary (seasonal) docking structure: sq. ft. X \$1.00 = \$

Permanent docking structure: sq. ft. X \$2.00 = \$

Projects proposing shoreline structures (including docks) add \$200 = \$ 200.00

Total = \$ 236.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 236.00



Scarborough Property

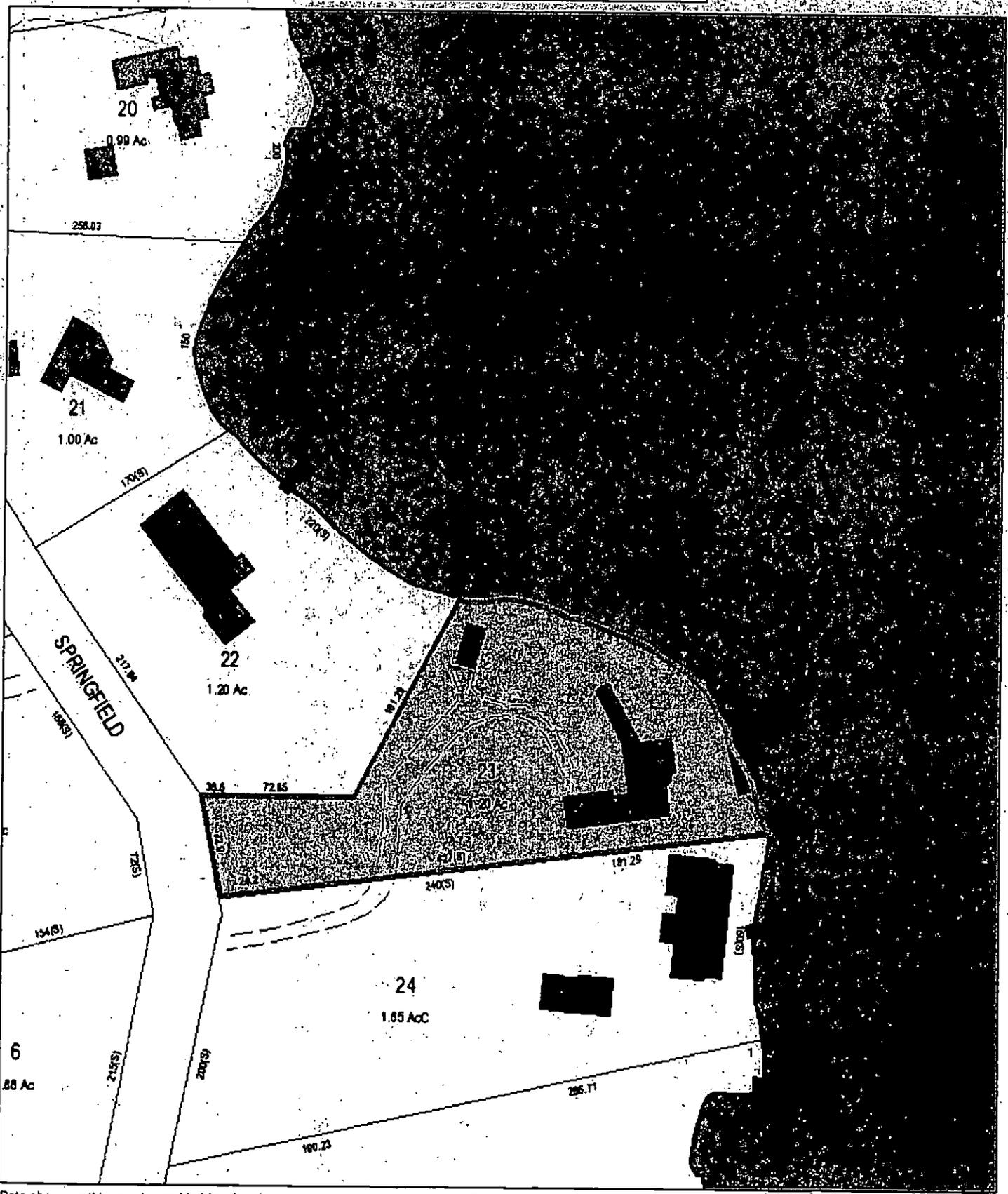
Wolfeboro, NH



September 15, 2018

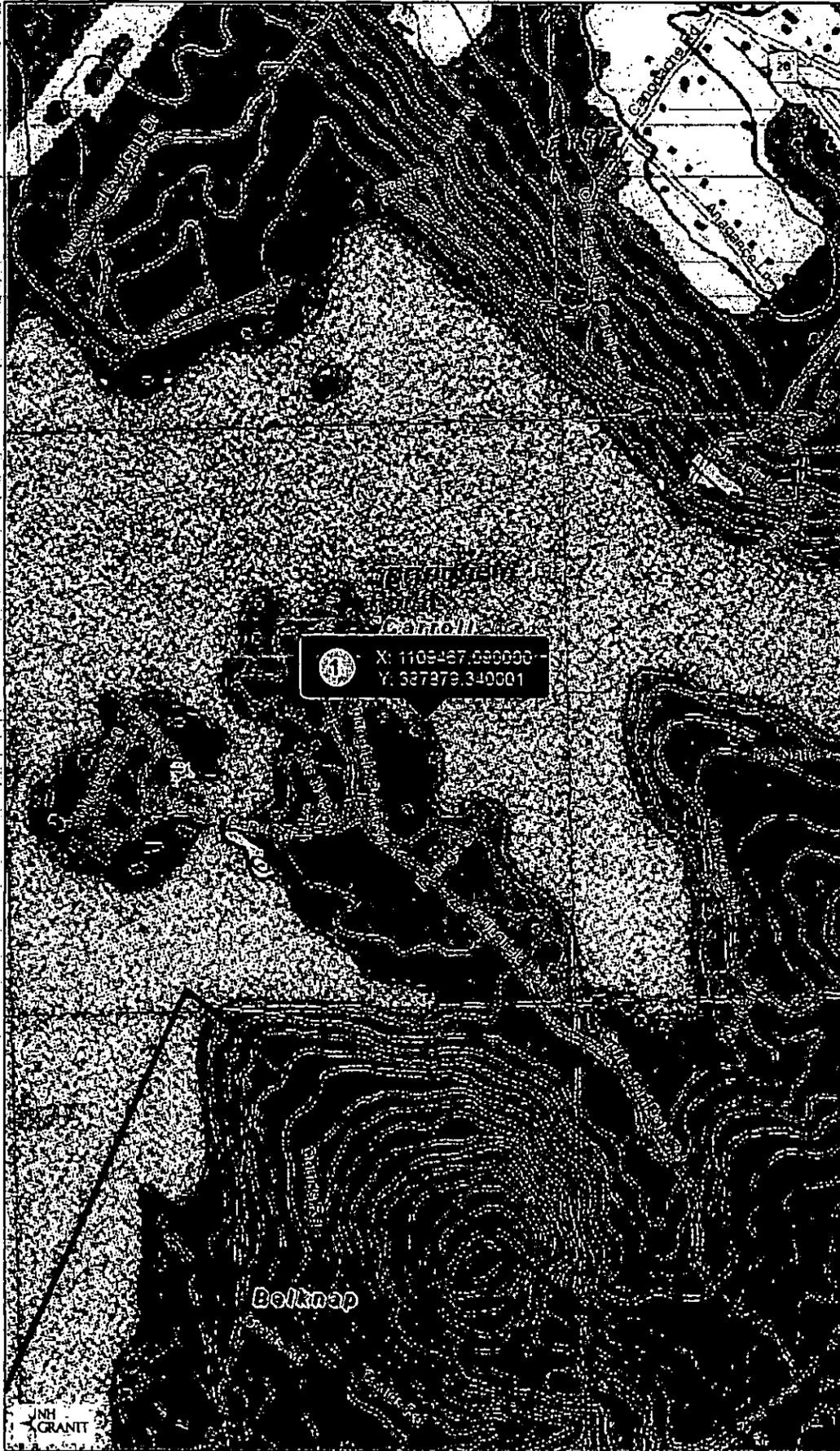
1 inch = 100 Feet

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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Scarborough Property



Legend

- State
- County
- City/Town

Map Scale

1: 10,000



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Map Generated: 10/24/2018

Notes

James and Susan Scarborough
177 Springfield Point Road, Wolfeboro
TM/L #259-023-000
NH Stateplane NAD83 (feet)
Easting: 1,109,467.09
Northing: 387,879.34





NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Jamie Irving
1218 Union Avenue
Laconia, NH 03246

From: NH Natural Heritage Bureau

Date: 10/31/2018 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau of request submitted 10/24/2018

NHB File ID: NHB18-3313

Applicant: James and Susan
Scarborough

Location: Wolfeboro
Tax Maps: 259-023-000

Project
Description: Reconfigure existing dockage and permanent canopy with a net reduction in construction surface. New dockage to include a piling supported boatlift. Additionally, dredge accumulated sediment from interior of existing boathouse.

The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

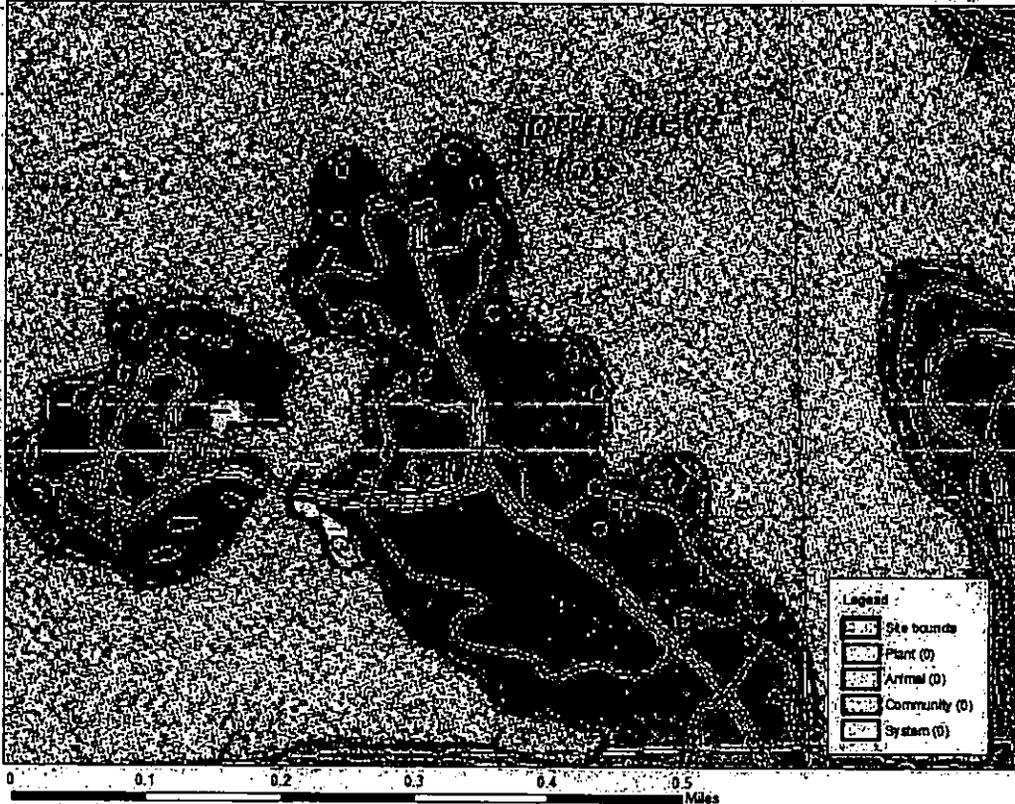
It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 10/24/2018, and cannot be used for any other project.



NEW HAMPSHIRE NATURAL HERITAGE BUREAU
NHB DATA CHECK RESULTS LETTER

MAP OF PROJECT BOUNDARIES FOR: NHB18-3313

NHB18-3313





0 foot Abutters List Report

Wolfeboro, NH
September 15, 2018

Subject Property:

Parcel Number: 259-023-000
CAMA Number: 259-023-000
Property Address: 177 SPRINGFIELD POINT RD

Mailing Address: SCARBOROUGH JAMES & SUSAN LIVI
SCARBOROUGH JAMES & SUSAN TRTS
177 SPRINGFIELD POINT ROAD
WOLFEBORO, NH 03894

Abutters:

Parcel Number: 259-022-000
CAMA Number: 259-022-000
Property Address: 179 SPRINGFIELD POINT RD

Mailing Address: WHITE BRANDON C RVCBL TRUST 20
WHITE BRANDON C TRUSTEE

Parcel Number: 259-024-000
CAMA Number: 259-024-000
Property Address: 175 SPRINGFIELD POINT RD

Mailing Address: SCARBOROUGH WOLFE HOLDINGS LLC

7017 0530 0000 9295 6608

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee: 3.45

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage: 47

Total Postage and Fees: 3.92

Brandon White

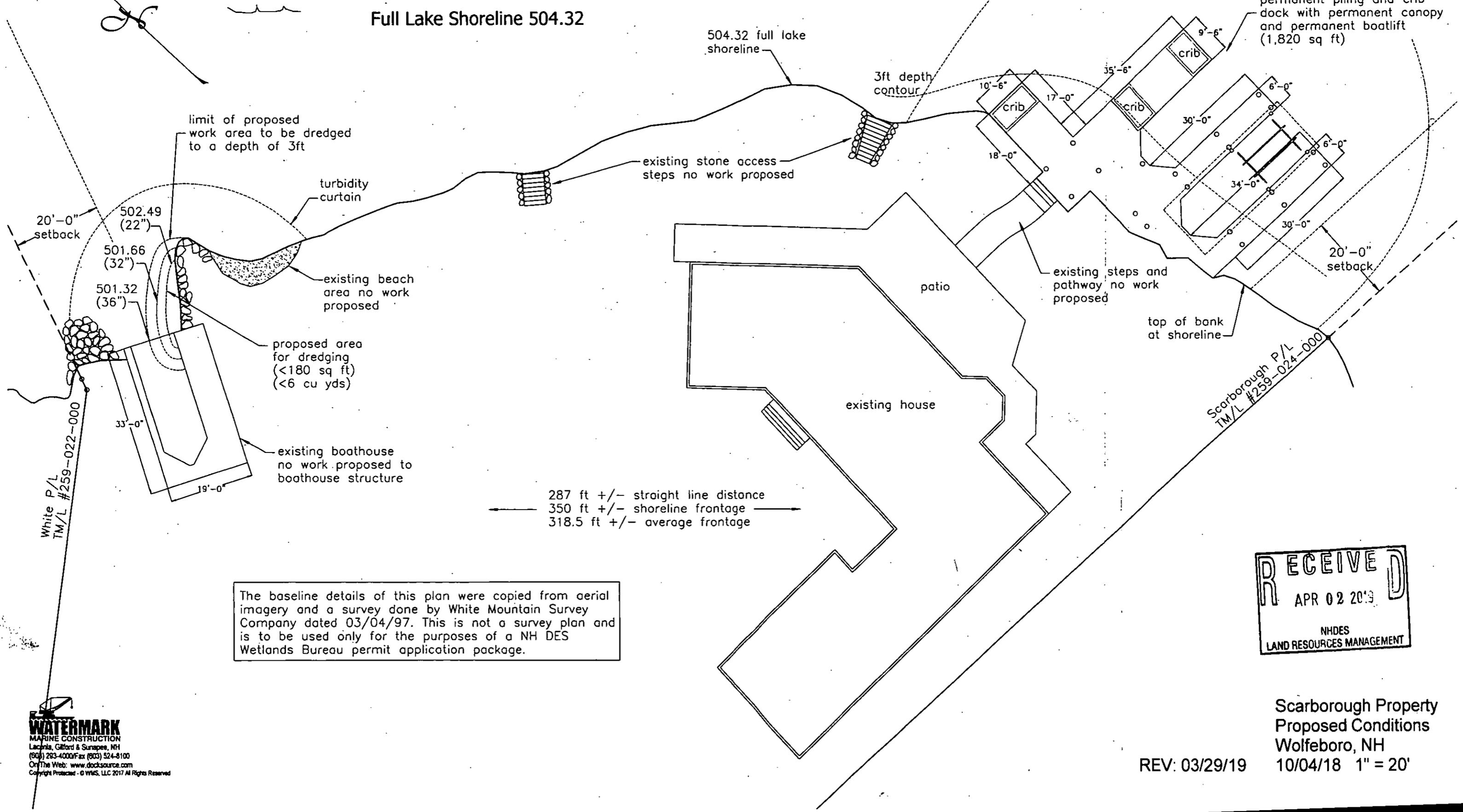
Postmark Here
11/13/18

PS Form 3800, April 2015 PSN 7530 02 000 9047 See Reverse for Instructions



www.cai-tech.com

Full Lake Shoreline 504.32



← 287 ft +/- straight line distance
 350 ft +/- shoreline frontage
 318.5 ft +/- average frontage →

The baseline details of this plan were copied from aerial imagery and a survey done by White Mountain Survey Company dated 03/04/97. This is not a survey plan and is to be used only for the purposes of a NH DES Wetlands Bureau permit application package.

RECEIVED
 APR 02 2019
 NHDES
 LAND RESOURCES MANAGEMENT

Scarborough Property
 Proposed Conditions
 Wolfeboro, NH
 10/04/18 1" = 20'

REV: 03/29/19

WATERMARK
 MARINE CONSTRUCTION
 Laconia, Gifford & Sunapee, NH
 (603) 283-4000 Fax (603) 524-8100
 On The Web: www.docksource.com
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